

08 CV 3523

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
MICHELE CALLAGHAN,

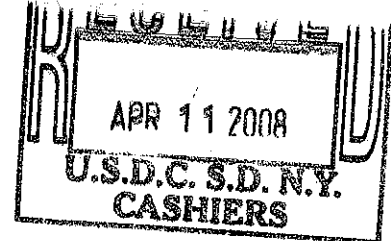
Case No.

Plaintiffs,

-against-

**COMPLAINT AND  
JURY DEMAND**

BRAD J. JACOBS, M.D.,

Defendant.  
-----X

Plaintiff, MICHELE CALLAGHAN, complaining of the Defendant, by her attorneys, **DOUGLAS & LONDON, P.C.**, upon information and belief, at all times hereinafter mentioned, allege as follows:

**JURISDICTION**

1. This Court has jurisdiction pursuant to 28 United States Code Section 1332, in that Plaintiff is a citizen of a State which is different from the State where Defendant is resides. The amount in controversy exceeds SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) as to each Plaintiff.

**PARTY PLAINTIFF**

2. Plaintiff, MICHELE CALLAGHAN was born on September 2, 1965, and is at all times relevant herein a resident of the State of Massachusetts.

**PARTY DEFENDANT**

3. At all times herein mentioned, Defendant BRAD J. JACOBS, M.D. is a resident of the State of New York.

4. At all times herein mentioned, Defendant BRAD J. JACOBS, M.D. was a physician duly licensed to practice medicine in the State of New York with his principal

offices for the practice of medicine located in the County of New York, State of New York.

5. Upon information and belief, and at all times hereinafter mentioned, the Defendant, BRAD J. JACOBS, M.D., specialized in the field of Plastic and Reconstructive Surgery.

**AS AND FOR A FIRST CAUSE OF ACTION  
ON BEHALF OF PLAINTIFF MICHELE CALLAGHAN  
(MEDICAL MALPRACTICE)**

6. Plaintiff, MICHELE CALLAGHAN, repeats, reiterates, and re-alleges each and every allegation contained in the foregoing paragraphs of this Complaint, with the same force and effect as if hereinafter set forth more fully at length.

7. At all times herein mentioned, Defendant BRAD J. JACOBS, M.D. held himself out to the general public to be a physician competent to provide cosmetic surgical care and treatment to patients seeking breast augmentation surgery.

8. Upon information and belief, from on or about August of 2005 through on or about July of 2007 inclusive, BRAD J. JACOBS, M.D. was in a physician-patient relation with the Plaintiff MICHELE CALLAGHAN.

9. Upon information and belief, from on or about August of 2005 through on or about July of 2007 inclusive, BRAD J. JACOBS, rendered medical care and/or treatment to the Plaintiff MICHELE CALLAGHAN.

10. Upon information and belief, from on or about August of 2005 through on or about July of 2007, inclusive, Defendant BRAD J. JACOBS, M.D. owed a professional duty of care to Plaintiff MICHELE CALLAGHAN as a provider of medical services.

11. Upon information and belief, from on or about August of 2005 through on or about July of 2007, inclusive Defendant BRAD J. JACOBS, M.D. breached his professional duty to Plaintiff MICHELE CALLAGHAN and was careless, negligent, and reckless in the treatment, management, consultation, diagnosis, and care of her, and in the medical services, including surgical care and treatment, he rendered to her and on her behalf.

12. The negligence, carelessness, and recklessness of the Defendant constituted deviations and departures from good and accepted standards of care and practice.

13. As a result of the negligence, recklessness, carelessness, and departures by Defendant, Plaintiff MICHELE CALLAGHAN sustained serious and permanent physical and emotional injuries, which are permanent; she has suffered severe injuries to her breasts and elsewhere, and their consequences and sequelae; she has suffered and will suffer from the effects of Defendant's deviations and departures from good and accepted standards of care and practice; she has been unable to pursue her usual activities, has been confined to home for some time, has been compelled to submit to hospital, surgical and medical care and attention and to incur various sums of money in an endeavor to cure or alleviate her injuries, has lost and will lose sums of money in lost wages and earnings, and has been compelled to suffer physical pain, mental anguish, disability, deformity and emotional distress.

14. As a result of the foregoing, Plaintiff MICHELE CALLAGHAN sustained serious, severe, and permanent injuries.

15. By reason of the foregoing, the Plaintiff MICHELE CALLAGHAN is entitled to recover all of her damages from the Defendant, the amount of which exceeds the jurisdictional limits of all lower Courts.

**AS AND FOR A SECOND CAUSE OF ACTION  
ON BEHALF OF PLAINTIFF MICHELE CALLAGHAN  
(LACK OF INFORMED CONSENT)**

16. Plaintiff repeats, reiterates, and realleges each and every allegation contained in the First Cause of Action with the same force and effect as if more fully set forth at length herein.

17. Defendant failed to obtain the informed consent to one or more surgical procedures Plaintiff MICHELE CALLAGHAN underwent at his hands.

18. A reasonable person in the position of Plaintiff MICHELE CALLAGHAN would not have undergone said procedure had she been properly informed of the attendant risks.

19. As a result of the foregoing, Plaintiff MICHELE CALLAGHAN suffered injuries and damages as specified herein.

20. By reason of the foregoing, the Plaintiff MICHELE CALLAGHAN is entitled to recover all of her damages from the Defendant, the amount of which exceeds the jurisdictional limits of all lower Courts.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff, MICHELE CALLAGHAN, demands judgment against the Defendant on each of the above-referenced claims and Causes of Action and as follows:

1. Awarding compensatory damages to Plaintiff for past and future damages, including but not limited to pain and suffering for severe and permanent personal injuries sustained by the Plaintiff, together with interest and costs as provided by law;
2. Punitive and/or exemplary damages for the wanton, willful, fraudulent, reckless acts of the Defendant who demonstrated a complete disregard and reckless indifference for the safety and welfare of the Plaintiff in an amount sufficient to punish Defendant and deter future similar conduct;
3. Awarding Plaintiff reasonable attorneys fees;
4. Awarding Plaintiff the costs of these proceedings; and
5. Such other and further relief as this Court deems just and proper.

Dated: New York, New York  
April 10, 2007

**DOUGLAS & LONDON, P.C.**

BY: 

MICHAEL A. LONDON (ML-7510)  
Attorney for Plaintiffs  
111 John Street, Ste 1400  
New York, New York 10038  
(212) 566-7500

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand trial by jury as to all issues.

**DOUGLAS & LONDON, P.C.**

BY: 

MICHAEL A. LONDON (ML-7510)

Attorney for Plaintiffs

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New York, New York 10038

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